

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Karina Herrera	Team: Squad #7	CCRB Case #: 202003765	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/31/2020 10:49 PM	Location of Incident: Fifth Avenue between East 39th Street and East 41st Street	Precinct: 14	18 Mo. SOL 11/30/2021	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 06/01/2020 5:39 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 06/01/2020 5:39 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. An officer			

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Abuse: An officer threatened individuals with the use of force.	[REDACTED]

Case Summary

On June 1, 2020, § 87(2)(b) filed the following complaint with the CCRB via the agency's website.

At approximately 10:49 p.m. on May 31, 2020, § 87(2)(b) was with her boyfriend, § 87(2)(b) and her friend, § 87(2)(b) when they saw a marked police van driving towards a crowd of protestors that were on Fifth Avenue between East 39th Street and East 41st Street in Manhattan (**Allegation A: Abuse of Authority - Threat of Force**, § 87(2)(g)). The police van did not hit any of the protestors and no one was arrested or issued a summons. Two surveillance videos and one cellphone video in regards to this incident were found during the course of the investigation (Board Review 01) (Board Review 02) (Board Review 03).

Allegation (A) Abuse of Authority: An officer threatened individuals with the use of force.

Known Facts and General Descriptions

§ 87(2)(b) stated that she saw a marked police van with license plate number “8944-17” driving towards a group of protestors that were at the incident location and the van made multiple turns while it was within the crowd, but it did not make any physical contact with the protestors (Board Review 04). § 87(2)(b) provided a photograph that she took of the van and it confirmed that the license plate number was accurate (Board Review 05). § 87(2)(b) described the driver as a § 87(2)(b) male in uniform, but she could not provide any other details because he was inside of a moving vehicle at the time she saw him, and since it was dark outside, the photograph that she took did not clearly show the driver either. § 87(2)(b) did not know anyone that was within the crowd of protestors during the incident.

§ 87(2)(b) stated that she also saw the same marked police van driving towards the protestors, but she did not know any of them (Board Review 06). Due to distance, § 87(2)(b) was unable to see inside of the police van during the incident, so she was unaware of how many people were in it and she could not provide a description of the driver.

§ 87(2)(b) was contacted by the investigation, but he was uncooperative, and the investigation was unable to identify any of the victims.

Two surveillance videos were provided by two commercial buildings located within the vicinity of the incident location, and both videos captured the entire incident, including the moment that the police van drove towards the protestors and made multiple U-turns within the crowd (Board Review 07) (Board Review 08). However, due to the quality of the videos and the distance of the camera, the investigation was unable to clearly see the physical appearance of the driver or any distinguishing features on the van. § 87(2)(b) provided a cellphone video that she recorded during the incident, but it is only four seconds long, so it did not capture the entire incident and it did not show any distinct factors pertaining to the van, including the driver (Board Review 09).

BWC

IAB identified this police van as being assigned to the 14th Precinct, which was where this incident occurred (Board Review 10). Therefore, a Body-Worn Camera (BWC) request for the incident location was submitted and it asked for any videos recorded by officers assigned to the 14th Precinct; it included the license plate number of the police van (Board Review 11). The NYPD Legal Department responded that they could not find any BWC videos related to this incident that were recorded by officers from the 14th Precinct, the Strategic Response Group (SRG), the Disorderly Conduct Unit (DCU), the SRG Anti-Crime Unit, or the Critical Response Command (CRC).

An AVL request was submitted to the 14th Precinct for all of the police van's whereabouts between 9:30 p.m. and 11:30 p.m. on the incident date (Board Review 12). The AVL search results showed that the van was mostly moving around downtown Manhattan and the only location that it remained at for an extended period of time - twenty minutes - was 289 West Broadway at approximately 9:30 p.m. Therefore, a second BWC request was submitted with 289 West Broadway listed as the incident location in case any of those videos showed which officers were utilizing the police van (Board Review 13). The NYPD Legal Department responded that it did not find any BWC videos corresponding to any officers assigned to SRG, the 14th Precinct, or the 1st Precinct, which was where 289 West Broadway was located.

NYPD Documents

The 14th Precinct provided the Detail Roster, the Daily Vehicle Assignment Sheet (DVAS), and the Command Log for the incident date, and none of them clearly showed who was assigned to the police van at the time of the incident (Board Review 14) (Board Review 15) (Board Review 16). The Detail Roster did not have any vehicle numbers listed for Tour 3, but Sergeant Jason Bryant from the 14th Precinct had his name and telephone number written at the top of the roster. The DVAS also had Sergeant Bryant's name listed as the desk officer for Tour 3, and the police van's license plate number was included on the sheet as well. It appears as though "SP" was written for the van's Tour 3 assignment, but that was not definitive because the writing looked faded and there was no indication of what that could potentially mean. The Command Log also showed that Sergeant Bryant was the desk officer beginning at 3:00 p.m., and at 4:05 p.m., he made an entry regarding police vehicles where he wrote, "Assigned and accounted for as per DVAS," but there were no entries specifically pertaining to police van #8944-17. In addition, the 14th Precinct provided the Roll Call, which did not have the police van listed (Board Review 17).

An EVENT Summary was provided by DAO, and a Resource Recap Log (RRL) was provided by IAB, but none of these showed any EVENTS that occurred at the incident location during the incident time (Board Review 18) (Board Review 10).

Concurrent Investigations

IAB was contacted in regards to any concurrent investigations they may have for this incident, and they said they had no complaints on file (Board Review 19).

Ranking Officers

A request was sent to the 14th Precinct specifically asking them to identify the officer that was assigned to the police van in question during the incident, and Lieutenant Scott McKevitt from the 14th Precinct, who is the precinct's Integrity Commanding Officer (ICO), responded that the police van was assigned to the command at that time and it was taken out on the incident date, but the precinct did not document which officers took the van due to the chaos from the protests (Board Review 21).

Officers Interviewed

Sergeant Bryant was interviewed and he stated that he had no recollection of this incident (Board Review 20). As the desk officer, Sergeant Bryant would not have left the stationhouse at any point during the incident, but some of his responsibilities would have been to prepare documents such as the Detail Roster, the DVAS, the Roll Call, and the Command Log. Sergeant Bryant did not recall any specific paperwork that he created on the incident date, but as the desk officer during Tour 3, he would have been responsible for filling out the information on the DVAS during that platoon. The DVAS was shown to Sergeant Bryant during his interview and he believed that under the first platoon for police van #8944-17 it said it was assigned to "DTL," which means detail; under the

second platoon it said, “SH,” which means it was at the stationhouse. Sergeant Bryant could not determine what was written under the third platoon because the font was faint; when asked if he believed “SP” was written there, Sergeant Bryant said he did not believe so because that abbreviation did not refer to anything that he knows.

Sergeant Bryant did not recall if he made the 14th Precinct’s Detail Roster on the incident date, but when the page for Tour 3 was shown to him, he recognized his own handwriting. Sergeant Bryant explained that vehicle information could be included in the roster, but he was not sure if it was required. Sergeant Bryant acknowledged that the Detail Roster did not have any NYPD vehicle numbers listed, so he was unable to use it to determine who was assigned to the police van. Sergeant Bryant explained that sometimes the officers have to quickly mobilize, so the Detail Rosters are done last minute.

During his interview, the incident was explained to Sergeant Bryant, but he was unaware that this had happened. The video footage that was gathered by the investigation was presented to Sergeant Bryant, but it did not refresh his recollection of the incident, and he was unaware of any procedure that the police van may have been following given its movements. Ultimately, Sergeant Bryant did not know why he was unable to identify the officer who was assigned to that police van during the incident, and he did not know why the documents that he prepared did not include that information.

Allegation Recitation and Disposition

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been parties (Board Review 22) (Board Review 23).

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) and § 87(2)(b) have no histories of convictions in New York City (Board Review 24) (Board Review 25).
- On November 23, 2020, a Notice of Claim request was sent to the New York City Office of the Comptroller and the results will be included upon receipt.

Investigator:	<u>Karina Herrera</u>	<u>Inv. Karina Herrera</u>	<u>11/24/2020</u>
	Signature	Print Title & Name	Date
Squad Leader:		Manager Vanessa Rosen	November 24, 2020
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	Signature	Print Title & Name	Date
Reviewer:			
	<u> </u>	<u> </u>	<u> </u>
	Signature	Print Title & Name	Date